

Washington State Board of Optometry
Minutes of Meeting

A meeting of the Washington State Board of Optometry was called to order at 9:00 a.m., on Friday, March 17, 2006 by Jeffrey Sutro, O.D., Chair. The meeting was held in Conference Room One, of the Department of Health Offices, Center Point Corporate Park, 20435 72nd South, Kent, Washington.

BOARD MEMBERS

PRESENT:

Jeffrey Sutro, O.D.
Thomas Riley, O.D.,
Laura Toepfer, O.D.
Lund Chin, O.D.
Mariann Tonder, O.D.
Mary Lou Staples, Public Member

STAFF PRESENT:

Laurie Jenkins, Assistant Secretary
Steven Saxe, Executive Director
Gail Yu, Assistant Attorney General
Karen Jensen, Supervising Staff Attorney
Kristi Weeks, Staff Attorney
Judy Haenke, Program Manager

OTHERS PRESENT:

Karl Buettner, Wal-Mart Vision

ORDER OF AGENDA

OPEN SESSION:

9:00 a.m. Call to Order

1.1 Approval of Agenda

The minutes were approved with the following additions:

- Laura Toepfer, O.D. will report on the December 20, 2005, Governor's Boards and Commissions Conference.
- Margaret Gilbert, Senior Staff Attorney, will not be present to lead the Board in a discussion on potential amendment of Board of Optometry rules relating to sexual misconduct.

1.2 Approval of Minutes of December 5, 2005, Meeting

The Minutes were approved as written.

9:10 a.m.

PRESENTATIONS

2. Improving Patient Safety - Laurie Jenkins, Assistant Secretary, Health Systems Quality Assurance (HSQA).

Laurie Jenkins, Assistant Secretary, addressed the Board in response to the October 6, 2005, Memorandum from Secretary, Mary Selecky regarding *Improving Patient Safety* through a consistent, aggressive and prompt response to complaints and disciplinary cases, particularly when the cases involve serious injury or death, sexual contact or abuse of a patient. Ms. Jenkins also provided an overview of all the services provided by HSQA, the recent realignment of the legal and investigative processes and a brief summary of the ongoing organizational review.

3. Disciplinary Review Process - Karen Jensen, Supervising Staff Attorney.

Ms. Jensen presented an update on the Disciplinary Non-compliance Pilot Project as it relates to non-compliance with a Board disciplinary order. Ms Jensen discussed the problems with the existing system and introduced a new approach that is currently being tested. Under the revised approach, non-compliance can be addressed in a more timely and efficient way through the use of a show cause hearing conducted by a Department of Health, health law judge. A member of the Board is consulted throughout this process. Ms Jensen asked the Board whether it would delegate authority to a health law judge to hear cases of non-compliance of Board orders.

Following discussion, the Board approved a blanket delegation to a Health Law Judge to hear and decide cases related to agreed orders when there has been non-compliance with the order. The assigned reviewing member or board chair will determine whether or not a respondent is in compliance with conditions specified in a disciplinary order.

9:40 a.m. REPORTS

4. Board Chair Report - Jeffrey Sutro, O.D.

Dr. Sutro reported on the following:

Board and Commission Chairs were invited to participate in Tuesday Morning Meet Me Calls as needed to discuss legislation that affected boards and commissions professions. The meetings were held in conjunction with the weekly Executive Director meetings and chaired by Bonnie King, Director of Health Professions Quality Assurance.

The Illinois College of Optometry will be offering a TPA certification course this year from July 7-22, 2006. It will offer a 120 hour, 100 hour and 90 hour course to accommodate individual states. Housing is available on campus and a continental breakfast is provided each day.

For more information, you can contact Connie Pietrzak, Director of Alumni Relations and Continuing Education at the Illinois College of Optometry, by calling 312-949-7080 or emailing cpietrzak@ico.edu. This is the last time this course will be offered through Illinois College of Optometry.

EYE-EXPO NW 2006 will take place Saturday, March 18, right after the Board's Seminar. The event will take place in the HUB at the University of Washington. A representative from OPW will make an announcement at the seminar on Saturday morning, March 18.

5. Executive Director Report – Steven Saxe, Executive Director
Steven Saxe, Executive Director reported on the following:

Board and committee members are needed to fill vacancies on the Veterinary Board of Governors and the Orthotics and Prosthetics Advisory Committee.

Legislation of interest:

- ESB 6194 Requiring Multicultural Education to be incorporated into curriculums of accredited programs.
- ESHB 1850 Creates a retired volunteer medical worker license and allows the Department to establish continuing competency requirements.
- 2SSB6193 requires the Department to survey health care providers and requires the Department to provide data on a minimum set of criteria.

6. Program Manager Report – Judy Haenke, Program Manager
Judy Haenke, Program Manager, reminded the Board about the Department of Health Spring Leadership Roundtable. Lund Chin, O.D. will represent the Board at that meeting.

10:15 a.m. DISCUSSION

7. Sexual Misconduct Rule
At its December 2005 meeting, the Board first discussed whether to review its rule, WAC 246-851-550 Sexual Misconduct based on planned adoption of sexual misconduct rules by the twenty-three secretary professions. These rules are expected within a year.

After further discussion, the Board agreed that it would not initiate review of WAC 246-851-550 at this time. The Board will review secretary or other board or commission rules related to sexual misconduct as they are available.

8. ESSB 5535 – Optometry Licensing.
The Board discussed implementation of ESSB 5535 which will go into effect June 7, 2006. The bill sets a required timeline for optometrists to reach a uniform level of licensure.
 - By January 1, 2007, all optometrists receiving an initial license in Washington must meet the standard licensing requirements and meet the requirements for using topically applied drugs for diagnostic and therapeutic purposes, the requirements to use or prescribe an oral drug and the requirements for the administration of injectable epinephrine.

- By January 1, 2009, all persons licensed to practice optometry in Washington must meet the standard licensing requirements and also the requirements for using or prescribing topically applied drugs for diagnostic and therapeutic purposes.
- By January 1, 2011, all persons licensed to practice optometry must be certified under the standard licensing requirements, and must meet the requirements for using topically applied drugs for diagnostic and therapeutic purposes, the requirements to use or prescribe an oral drug and the requirements for the use of injectable epinephrine.

The Bill also provides for an inactive status for optometrists.

The Board discussed potential rulemaking requirements to implement the statute including amendment of the application requirements and rules to implement the inactive status.

Following discussion, the Board agreed that the rules could be adopted through an abbreviated “exception” process. Jeffrey Sutro, O.D., Laura Toepfer, O.D., Gail Yu, AAG and Judy Haenke, Program Manager will draft rules for review by the Board at its next meeting on June 9, 2006.

Information about the Illinois College of Optometry TPA certification course will be sent to active licensees who do not have DPA or TPA endorsement.

9. Post Graduate Education Seminar.

The Board discussed final preparations for the 41st Annual Post Graduate Seminar to be held at Kane Hall, University of Washington, March 18-19, 2006.

10. Review of Oregon State Advanced Ocular Therapy (AOT) Course.

The Board considered updates to the Oregon AOT Course to determine whether the Washington and Oregon courses are now substantially equivalent.

Currently, those individuals who complete the Oregon course must complete additional hours. The following motion was approved at the Board’s January 2004 meeting.

“The Board accepts the Oregon Advanced Ocular Therapy didactic course as meeting the Washington State didactic training requirements for certification for using or prescribing drugs administered orally for diagnostic and therapeutic purposes with the following exception. Participants who completed the Oregon didactic training must provide evidence from their sponsoring institution that they have obtained supplemental education covering anti-emetics, dry eye agents and anti-anxiety agents.

In addition, individuals seeking certification must complete the required eight hours of supervised clinical instruction. Individuals may complete an additional four hours of instruction to become certified to administer epinephrine by injection for anaphylactic shock.”

Following discussion, the Board determined that the updated Oregon AOT didactic course which will be administered beginning September 7, 2006, is substantially equivalent to the Washington State AOT didactic course. Individuals who completed the Oregon AOT

didactic course prior to September 7, 2006, will be required to complete the supplemental course.

11. Continuing Education

Laura Ann Toepfer, O.D. presented the following courses to the Board for approval.

Christina Farag, OD, ASCRS Summer Refractive Congress. Approved for 14.5 hours. Bellevue Lasik and Cornea, August 4-7, 2005.

Montana Optometric Association, 2006 MOA Big Sky Conference. Approved for 12 hours. Presented in Big Sky, Montana, March 2-4, 2006.

Kelly D. Jones, OD, Exploring the Science of Solutions. Approved for 2 hours. Presented November 2005

Ava M. Nakamoto, OD, Reports from five articles. Approved for 5 hours submitted December, 2005.

Curtis R. Baxstrom, OD, The NeuroNet therapy Program, Approved for 15.5 hours. Presented January 26-28 at University Place, WA.

Portland Veterans Medical Center: VISN 20 Optometry Grand Round Presentation. Portland OR, Short Wavelength and Frequency Doubling Perimetry in Glaucoma Diagnosis and Management. Presented January 10, 2006. Approved for 1 hour.

Portland Veterans Medical Center: VISN 20 Ocular and Systemic Vascular Disease. Presented February 14, 2005. Approved for 1 hour.

Pacific Cataract and Laser Institute, Orbital –Facial Plastic Surgery Update. Approved for 2 hours and presented January 11, 2006.

Pacific Cataract and Laser Institute, Grand Rounds: Ocular Rosacea. Approved for 1 hour and presented February 13, 2006.

Pacific Cataract and Laser Institute, Corneal Transplantation. Approved for 4 hours (two per presentations). Presented February 1 and February 13, 2006.

Pacific Cataract and Laser Institute, Alternative Therapies for Glaucoma. Approved for 1 hour and presented February 18, 2006.

Pacific Cataract and Laser Institute, Internal Medicine Update. Approved for 2 hours and presented February 7, 2006.

Spokane Eye Clinic, 2006 spring Ophthalmology Update. Approved for 4 hours and presented March 4, 2006.

Steve D. Shaffer, OD, Dupont Family Vision Clinic. Madigan Army Medical Center Lectures, preparation only. Approved for 10 hours and requested March, 2006.

University of Missouri, College of Optometry. Ophthalmic Education Institute, Las Vegas 2006. Approved for 16 hours.

Kenneth C. Dahlin, OD, Management and Business Academy. Approved for 10 hours and presented March 21-22, 2006.

Doug A. Harshman, OD, A Descriptive and Picture Tutorial on the Relationship of Systemic and Ocular Disease, preparation only. Approved for 10 hours.

Kaiser-Permanente Northwest Division, Thomas Gibbs, OD. Educational Seminar Glaucoma, Cataracts and Retina. Presented February 25, 2005 and approved for 2 hours.

Kaiser-Permanente, Northwest Ocular Pathology Winter Conference. Presented January 31, 2006. Approved for 3 hours.

Paul S. Jensen, OD, lecture to King County Optometric Society, presented October, 2005. Approved for 3 hours.

Mira Swiecicki, OD, Lynden Vision Clinic. Medical Ethics in Optometry, presented September 19, 2005. Approved for 3 hours.

11.2 Designation of Reviewer for next Quarter.

Mariann Tonder, O.D. will review continuing education courses through June 10, 2006.
Thomas Riley, O.D. will provide assistance as needed.

12. Association of Regulatory Boards of Optometry
2006 Annual Meeting – Las Vegas, Nevada. June 18-20, 2006
The 2006 Annual Meeting of ARBO/NBEO will be held in Las Vegas, Nevada on June 18-20, 2006.

In addition to the usual \$500.00 stipend from the National Board, the National Board and ARBO will contribute an additional \$250.00. For a total of \$750.00. This money is to help defray the cost of one Board member. The Board agreed that Mariann Tonder, O.D. and Judy Haenke, Program Manager, should attend the meeting. Staff will make the travel arrangements.

13. Budget Report
The Board reviewed revenue and expenditures for the month ending January 2006.
14. Meeting Dates
The June 16, 2006, meeting date was rescheduled to June 9, 2006. The meeting will be held in Spokane.
15. Other Open Session Business

Laura Toepfer, O.D. reported on the December 20, 2005, Governor's Boards and Commissions Conference. The conference included discussion on the following:

- The Role of Board's and Commissions in State Government
- Public Disclosure Commission
- Ethics and Legal Compliance Training
- Serving as an Effective Executive Commissioner
- Outreach and Community Events
- Appointment/Reappointment Process and Recruiting New People

Following the Conference, there was a reception at the Executive Mansion. The Board was represented by Mariann Tonder, O.D., Mary Lou Staples, Laura Toepfer, O.D. and Judy Haenke, Program Manager.

LUNCH: 12:00 p.m. to 1:00 p.m.

1:00 p.m. CLOSED SESSION:

16. Presentation of Stipulations to Informal Disposition
None to Present

17. Review of License Applications
The Board approved one application for reinstatement and one application for credentialing by endorsement.

18. Disciplinary Case Review
The Board reviewed the following:

Case Number:	Action:
2004-07-0003OD	Closed
2005-11-0003OD	Closed

19. Adjournment

Respectfully Submitted: _____
Judy Haenke, Program Manager

Approved: _____
Jeffrey Sutro, O.D.

SIGNATURES ON FILE